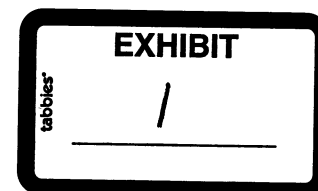




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September 21, 2007



**VIA FACSIMILE AND E-MAIL**

Richard T. Garren  
Riggs, Abney, Neal, Turpen, Orbison & Lewis  
502 West Sixth Street  
Tulsa, OK 74119-1010

Re: State of Oklahoma, et al. v. Tyson, et al., Case No. 05-CV-329-TCK-SAJ,  
In the United States District Court for the Northern District of Oklahoma -  
**Subpoenas Directed to Green Country Farms, Ernest Doyle, Jr., Bill  
Engleman, Clyde and Helen Masters, Barney Nubbie, Dwayne O'Leary,  
and Ricky Reed**

Dear Rick:

Thank you for taking the time this morning to meet with me so that I could apprise you of the concerns of Hall Estill's above-named clients. I have now been contacted by Mr. Barney Nubbie who has indicated that he also has requested our assistance in this matter. As a result, this letter is sent on behalf of all of the above-named individuals.

Without waiving any objections, Messrs. Engleman, Nubbie and Reed will promptly respond to the document production request aspect of the subpoenas. Mr. Reed's records should be produced next week. Mr. Engleman and Mr. Nubbie's records should be available the following week.

With regard to our objections, I apprised you in our meeting and in earlier telephone conversations of the outbreaks of LT disease that have been confirmed on a number of poultry farms in northeastern Oklahoma. As a result, all of the above-named growers have asked that Hall Estill seek protection from invasive sampling efforts until such time as the LT outbreak has passed or until some assurance can be obtained that unnecessary traffic to and from the farms will not lead to a higher possibility of contracting the disease. We discussed some alternatives that your client is considering, and you have now requested that I consult my clients about the possibility of distant viewing of grower-obtained samples in lieu of environmental consultants entering houses with birds in place. I will make those inquiries, but have been advised by one grower that you and I are still missing the point. The growers' point is that any unnecessary traffic, even without entry into barns, is ill-advised during LT outbreaks.

Tulsa, OK  
Oklahoma City, OK

Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.  
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Richard T. Garren  
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September 21, 2007  
Page 2

As you and I discussed, the alternative method of obtaining litter samples will only need to be considered if the invasive sampling goes forward. Hall Estill's clients object to the invasive sampling requested in these subpoenas as being overly vague, broad and burdensome. As you and your client are aware, the growers that Hall Estill represented in 2006 asserted that such invasive samplings were overly vague, broad and burdensome and that Magistrate Joyner disagreed, at the time. However, it was our understanding that Magistrate Joyner took into account the relatively short period of time that would be necessary for growers to have such invasions of their properties and the claim of Plaintiff in the action that such information could only be obtained through such sampling efforts. We did not understand Magistrate Joyner's Order to indicate that the Plaintiff would have the right forever to invade poultry growers' farms. As a result, I have advised you that these poultry growers object to submitting to invasive sampling in light of the 16 months of time that has passed since the Order was issued. It has now been approximately one year since the last sampling. The extended period of inaction by the Plaintiff has led all of the poultry growers to believe that their fears of invasion were at an end. From their perspective, the Plaintiff should not have an open-ended or never-ending right to interfere with and invade their rights of privacy and quiet enjoyment. On behalf of the above-named poultry growers, we respectfully request that the Plaintiff withdraw its subpoenas and rely upon the invasive sampling which has already been conducted.

We also note that one of the above-named poultry growers has previously submitted to invasive sampling of the litter on its premises. Green Country Farms<sup>1</sup> specifically objects to having a second invasive sampling of its litter. Magistrate Joyner's Order was quite clear in limiting the Plaintiff to one entry for invasive collecting of litter samples. You have indicated that the second entry is necessitated because the sample taken does not appear to be reliable or in some fashion does not meet the Plaintiff's expectations. Green Country Farms respectfully suggests that failures of sampling techniques or dissatisfaction with the results should not be the basis for re-entry on Green Country's premises.

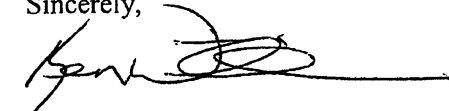
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<sup>1</sup> We note that you have also named Steve Butler in the subpoena. Mr. Butler is not the proper party.

Richard T. Garren  
Riggs, Abney, Neal, Turpen, Orbison & Lewis  
September 21, 2007  
Page 3

I believe that this outlines the objections that we discussed in our face-to-face conference today. Please let me know if Plaintiff has a change of heart regarding the necessity of more invasions of poultry growers' farms.

Sincerely,



D. Kenyon Williams, Jr.

DKW:jls

cc: Steve Butler  
Ernest Doyle, Jr.  
Bill Engleman  
Clyde and Helen Masters  
Barney Nubbie  
Dwayne O'Leary  
Ricky Reed  
President, Poultry Partners, Inc.  
Bev Saunders  
Robert George  
Scott McDaniel  
John Tucker  
Michael D. Graves

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